

REMARKS

In response to the Office Action dated October 19, 2006, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

The allowance of claims 1, 3 and 4 is noted with appreciation. Claim 1 is being amended to provide consistency in terminology throughout the claim. Claims 3 and 4 are being amended to clarify that the subject matter being protected can be used with applications other than printer drivers, per se.

Claims 5 and 7 were rejected under 35 U.S.C. § 102, as being anticipated by the Kakiuchi et al. patent (US 6,687,017). In rejecting these claims, the Office Action states that they recite alternative conditions, and selects only the first condition as a basis for the rejection. It then goes on to conclude that, since the second step of each of these claims pertains to the second condition, it need not be considered. The Office Action does not cite any support for this approach to claim interpretation, and Applicant respectfully submits that it is improper.

While it is true that claims are to be given their broadest reasonable interpretation, it is not proper for an Examiner to interpret a claim in such a manner as to read elements out of the claim. As set forth in MPEP §2131, to anticipate a claim, a reference must teach every element of the claim. In the present case, the step of "prohibiting data from being sent to the output device if said print request instructs data to be sent to the output device so as to bypass the driver software" is a positively recited element of the claim. The Examiner has not cited any authority that permits her to choose only so much of the claim as can be found in a reference, and ignore the remainder of the claim in an effort to make a rejection.

Nevertheless, to eliminate this issue and enable examination to proceed, claims 5 and 7 have been amended to delete the specific condition that forms the basis for the rejection. As amended, these claims now recite the steps of determining whether a print request instructs data to be directly sent to the output device so as to bypass driver software, and to prohibit the data from being sent to the output device in such a case. The Office Action has not shown that the Kakiuchi patent discloses this claimed subject matter. Withdrawal of the rejection is therefore requested.

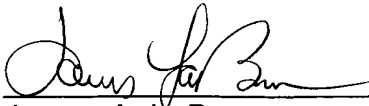
New claims 12 and 13 are method and computer-readable medium claims that recite subject matter corresponding to the system of claim 3, and are submitted to be allowable for at least the same reasons as claim 3. All other pending claims depend from one of the claims discussed above, and are therefore submitted to be allowable for at least the same reasons.

In view of the foregoing, it is respectfully submitted that all pending claims are patentably distinct from the prior art of record. Reconsideration and withdrawal of the rejections, and allowance of claims is respectfully requested.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: March 16, 2007

By: 
James A. LaBarre
Registration No. 28,632

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620